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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,521	12/20/2000	Paul Vegliante	2112-342 US	6443
7590 03/08/2006			EXAMINER	
Mathews, Collins, Shepherd & Gould, P.A. Suite 306 100 Thanet Circle Princeton, NJ 08540			HAMILTON, ISAAC N	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/741,521

Applicant(s)

VEGLIANTE

Examiner

Isaac N. Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4 and 6-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 and 6-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 6-15 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lucas, Jr. et al (5,440,961), hereafter Lucas, in view of Kaiser et al (5,292,046), hereafter Kaiser. Lucas discloses everything as noted in Diagram 1; channel 13; bottom edge of upper portion of blade housing protrudes on either side of blade in figure 3; end surface of upper portion is rounded and inclined upward as shown in figure 2; tracking device 34; middle portion juxtaposed lower portion and upper portion; predetermined length and predetermined clearance of said middle portion shown in figures 2 and 3; tubular base 31; channel has tubular shape as shown in figure 3; left section 39; right section 35; rivet 37; aperture 51; blade angled from bottom edge at 30 degree angle as shown in figure 2; depression 7; rear edge 5; cover of a carton

9.

Lucas does not disclose a material which provides an attraction to the plastic wrap.

However, Kaiser teaches material 190 which provides an attraction to the plastic wrap as recited in column 4, lines 1-10. It would have been obvious to provide a material which provides an attraction to the plastic wrap in Luca as taught by Kaiser in order to prevent the use of a high friction surface. Note that Kaiser discloses Acrylic, which is known to have a hardness in the shore A range and lubricity.

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Regarding claims 6, 7 and 9, coextrusion is a process that is well known in the manufacturing of Acrylic and other polymers as evidenced by Boda (5,524,515), and does not further limit the structure. Moreover, choosing which material to use is simply a matter of design choice and there is prior art disclosing the use of vinyl, PVC, Acetal or Silicon in plastic elements. For instance, Urion et al (4,210,043) has a blade housing formed of acetal, and Tsai (5,036,740) has a base rail formed of PVC. Since the applicant has not presented the specific advantages that these materials provide over the materials that one of ordinary skill in the art would have used, it would have been obvious to use vinyl, PVC, Acetal or Silicon in the combination in order to support the elements of the film cutter.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Lucas and Kaiser as applied to claims 1, 4, 6-15, 18-20, 38 and 39 above, and further in view of Chuang (4,960,022). The combination discloses everything as noted above, but does not disclose a grip surface having a concave shape. However, Chuang teaches grip surface having concave shape in figure 3D. It would have been obvious to provide a grip surface having a concave shape in the combination as taught by Chuang in order to prevent a user's hand from slipping off the upper portion of the blade housing.

4. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Lucas and Kaiser as applied to claims 1, 4, 6-15, 18-20, 38 and 39 above, and further in view of Chiu (5,398,576). The combination discloses everything as noted above, but does not disclose a releasable end cap. However, Chiu teaches releasable end cap 33. It would have been obvious to provide releasable end caps in the combination as taught by Chiu in order

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to remove the blade for maintenance. Note male protrusion on face of end cap 33, and female receptacle adjacent element 13 on end of elongated rail base in figure 1.

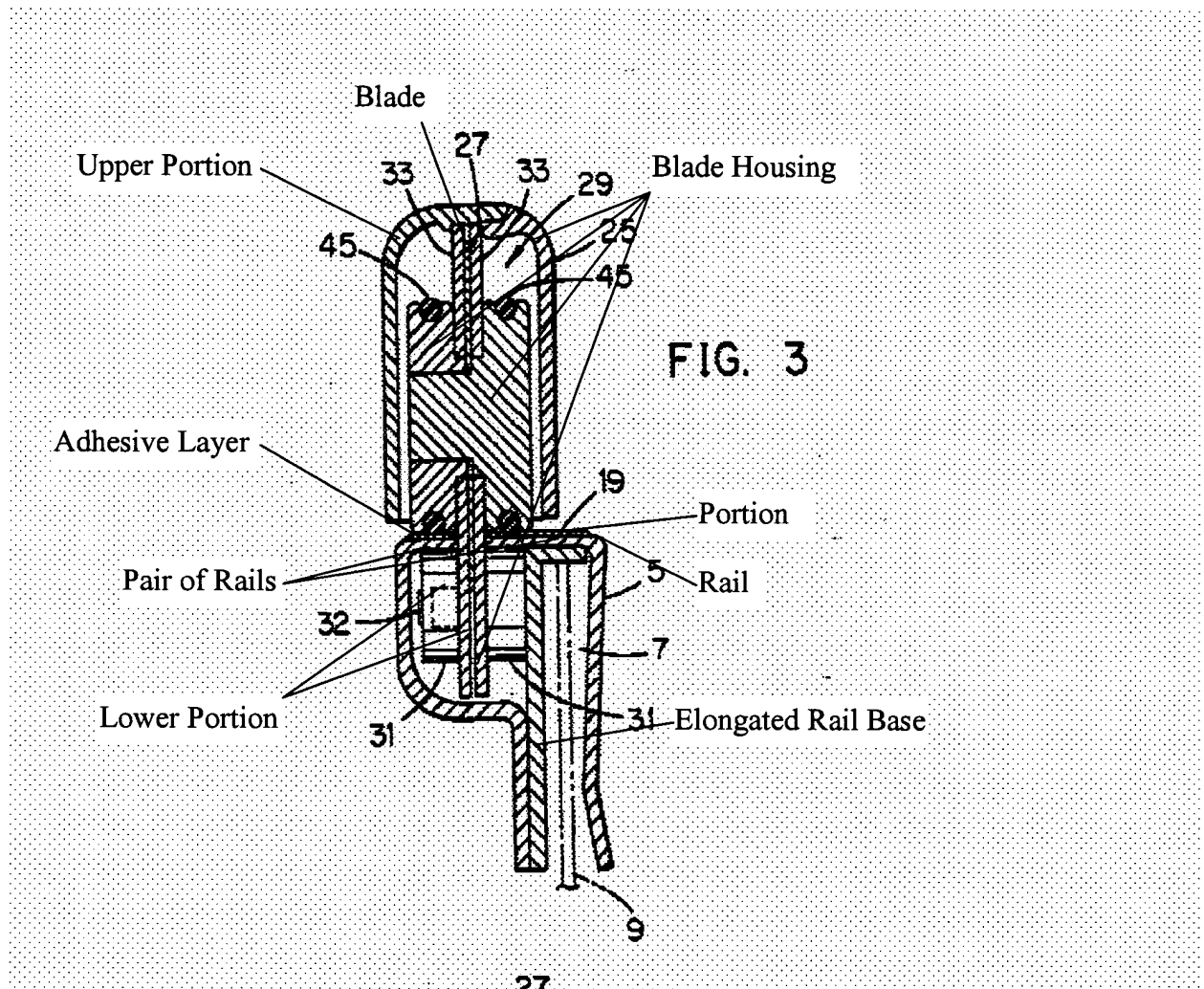


Diagram 1. Figure 3 in Lucas.

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 4 and 6-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Larrable and Ober are cited for a film cutter that does not have any contact with the film except for the blade and the rails.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IAH

IH
March 3, 2006



KENNETH E. PETERSON
PRIMARY EXAMINER